

Application No.: 09/965,985
Amendment Dated: November 14, 2005
Reply to Office Action of: June 13, 2005

YAO-4346US

Remarks/Arguments:

By this Amendment, Applicant is amending claims 1 and 7. Claims 1, 3-7, and 9-12 are pending.

Claim Rejections Under § 102

Claims 1, 2, 7 and 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by van den Branden. By this Amendment, Applicant respectfully traverse this Section 102(e) rejection.

Claims 1 and 7 are independent claims. Claims 3-6 are dependent on claim 1, and claims 9-13 are dependent on claim 7.

Turning first to claim 1, it is directed to a video reproduction apparatus having a picture type detection section, a bit rate calculation section, a video signal generation section, and a video decoder. The video reproduction apparatus of claim 1 also includes the following:

a video signal addition section for, while the still picture is being reproduced, adding the video signal generated by the video decoder and the first bit rate video signal generated by the video signal generation section so that the video data, the picture type and the number of bits are displayed simultaneously, and while the moving picture is being reproduced, adding the video signal generated by the video decoder and the second bit rate video signal generated by the video signal generation section so that the video data and the average bit rate are displayed simultaneously.

The above-noted underlined features of claim 1 are generally referred to as the "Simultaneous Features" of Applicant's claimed invention. It is Applicant's contention that the van den Branden Patent neither teaches nor renders obvious the Simultaneous Features of Applicant's claimed invention. The Simultaneous Features incorporated into claim 1 are not the addition of new matter but are based on the

specification as originally filed. For example, Applicant directs the Examiner's attention to page 11, lines 11-17 of the originally filed specification. This portion of the specification discloses that the first and second bit rate video information can be displayed "together with the video signal." Thus there is support in the originally filed application for the Simultaneous Features.

In the Office Action issued June 13, 2005, as well as in the Advisory Action issued November 1, 2005, the Examiner appears to be taking the position that the claim language does not necessarily set forth that the display of the video information and the information regarding either the picture type and the number of bits or the average bit rate are displayed simultaneously. To overcome this rejection, Applicant has more explicitly set forth the Simultaneous Features of Applicant's claimed invention.

The van den Branden Patent relates in general to a bitstream quality analyzer. More specifically, the van den Branden Patent only discloses providing the user with the ability to display a motion picture represented by the video bitstream (by selecting "display video"). A viewing area is then presented to the user via a video title window 360. But there is no disclosure of displaying information relating to the bit rate within the window 360 or in any other window so that both the video and the information are displayed simultaneously. Thus, the van den Branden Patent simply does not teach or suggest the Simultaneous Features of Applicant's amended claim 1.

Applicant also submits that claim 1 also includes the feature of a video signal addition section for adding the video signal generated by the video decoder and the first bit rate video signal generated by the video signal generation section while a still image is being reproduced, and for adding the signal generated by the video decoder and the second bit rate video signal generated by the video signal generation section while a moving image is being reproduced.

With regard to the above-noted feature, the Examiner in the Advisory Action responds by referring to Figure 9 of the van den Branden Patent. Specifically, the Examiner asserts that because Figure 9 depicts different control keys which can be used to simulate still and moving image reproduction, and the display of both picture

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type and average bit rate, the above-mentioned feature of claim 1 is taught by the van den Branden Patent. Applicant respectfully disagrees.

The basis for the Examiner's position appears to be that the van den Branden Patent discloses a device having the capability to display picture type, number of bits and average number of bits while the video data is being reproduced. For argument sake, even if this position were correct, the van den Branden Patent does not disclose selectively adding either information relating to a number of bits or information relating to the average bit rate. Therefore, it can be assumed that all of the information relating to the picture type, number of bits and average number of bits is added to the video signal regardless of whether a still or moving image is being reproduced.

Claim 1 recites a bit rate calculation section:

selecting and outputting either the number of bits included in the picture corresponding to the still picture or the average bit rate per predetermined time unit;

Therefore, it is clear that only one data type is output and added to the video signal to be displayed. The inclusion of this feature means that, for example, when a still image is being reproduced, meaningless average bit rate data calculated in the bit rate calculation section is not added to the video signal. The van den Branden Patent analyzer simply does not provide this feature nor is there any teaching or suggestion of the advantage associated with this feature.

For the reasons set forth above, Applicant respectfully submit that independent claim 1 and dependent claims 3-6 are patentably distinguished from the van den Branden Patent.

Applicant further submits that the above-noted features of claim 1 are also substantially found in independent claim 7, and likewise dependent claims 9-12. For the same reasons as noted above, claims 7-12 are patentably distinguished from the van den Branden Patent.

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Based on the foregoing remarks, Applicant requests that the Section 102(e) rejection be withdrawn.

Claim Rejections Under § 103

Claims 3-6 and 9-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over van den Branden. Based on this Amendment, Applicant respectfully traverses this Section 103(a) rejection.

Claims 3-6 are dependent on claim 1, and claims 9-12 are dependent on claim 7. For the reasons set forth above, both claims 1 and 7 are neither anticipated nor obvious in view of the van den Branden Patent. Thus, dependent claims 3-6 and 9-12 are likewise patentably distinguished from the van den Branden Patent. Applicant therefore requests that the Section 103(a) rejection be withdrawn.

In view of the foregoing remarks and amendments, Applicant respectfully submits that claims 1 and 3-12 are in condition for allowance. Reconsideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,

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Frank Petillo

